FORM NLRB-502
(5-85)

FORM EXEMPT UNDER 44 U.S.C. 3512

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

PETITION

DO NOT WRITE IN THIS SPACE	
Case No.	Date Filed

INSTRUCTIONS: Submit an original and 4 copies of this Petition to the NLRB Regional Office in the Region in which the employer concerned is located. If more space is required for any one item, attach additional sheets, numbering item accordingly.

The Petitioner alleges that the following circumstances exist and requests that the National Labor Relations Board proceed under its proper authority pursuant to Section 9 of the National Labor Relations Act.

1. PURPOSE OF THIS PETITION *(If box RC, RM, or RD is checked and a charge under Section 8(b)(7) of the Act has been filed involving the Employer named herein, the statement following the description of the type of petition shall not be deemed made.)* **(Check One)**

☐ **RC-CERTIFICATION OF REPRESENTATIVE** - A substantial number of employees wish to be represented for purposes of collective bargaining by Petitioner and Petitioner desires to be certified as representative of the employees.

☐ **RM-REPRESENTATION (EMPLOYER PETITION)** - One or more individuals or labor organizations have presented a claim to Petitioner to be recognized as the representative of employees of Petitioner.

☐ **RD-DECERTIFICATION** - A substantial number of employees assert that the certified or currently recognized bargaining representative is no longer their representative.

☐ **UD-WITHDRAWAL OF UNION SHOP AUTHORITY** - Thirty percent (30%) or more of employees in a bargaining unit covered by an agreement between their employer and a labor organization desire that such authority be rescinded.

☐ **UC-UNIT CLARIFICATION** - A labor organization is currently recognized by Employer, but Petitioner seeks clarification of placement of certain employees: *(Check one)* ☐ In unit not previously certified. ☐ In unit previously certified in Case No. _____.

☐ **AC-AMENDMENT OF CERTIFICATION** - Petitioner seeks amendment of certification issued in Case No. _____
Attach statement describing the specific amendment sought.

2. Name of Employer	Employer Representative to contact	Telephone Number

3. Address(es) of Establishment(s) involved *(Street and number, city, State, ZIP code)*

4a. Type of Establishment *(Factory, mine, wholesaler, etc.)*	4b. Identify principal product or service

5. Unit Involved *(In UC petition, describe* **present** *bargaining unit and attach description of proposed clarification.)*	6a. Number of Employees in Unit:
Included	Present
	Proposed *(By UC/AC)*
Excluded	6b. Is this petition supported by 30% or more of the employees in the unit? * ___ Yes ___ No *Not applicable in RM, UC, and AC

(If you have checked box RC in 1 above, check and complete EITHER item 7a or 7b, whichever is applicable)

7a ☐ Request for recognition as Bargaining Representative was made on *(Date)* _____ and Employer declined recognition on or about *(Date)* _____ *(If no reply received, so state).*

7b ☐ Petitioner is currently recognized as Bargaining Representative and desires certification under the Act.

8. Name of Recognized or Certified Bargaining Agent *(If none, so state)*	Affiliation
Address and Telephone Number	Date of Recognition or Certification

9. Expiration Date of Current Contract, If any *(Month, Day, Year)*	10. If you have checked box UD in 1 above, show here the date of execution of agreement granting union shop *(Month, Day, and Year)*

11a. Is there now a strike or picketing at the Employer's establishment(s) Involved? Yes _____ No _____	11b. If so, approximately how many employees are participating?

11c. The Employer has been picketed by or on behalf of *(Insert Name)* _____, a labor organization, of *(Insert Address)* _____ Since *(Month, Day, Year)* _____

12. Organizations or individuals other than Petitioner *(and other than those named in items 8 and 11c)*, which have claimed recognition as representatives and other organizations and individuals known to have a representative interest in any employees in unit described in item 5 above. *(If none, so state)*

Name	Affiliation	Address	Date of Claim *(Required only if Petition is filed by Employer)*

I declare that I have read the above petition and that the statements are true to the best of my knowledge and belief.

_____
(Name of Petitioner and Affiliation, if any)

By _____ _____
(Signature of Representative or person filing petition) *(Title, if any)*

Address _____ _____
(Street and number, city, State, and ZIP Code *(Telephone Number)*

WILLFUL FALSE STATEMENTS ON THIS PETITION CAN BE PUNISHED BY FINE ...

BEST AVAILABLE COPY

3a

UNITED STATES OF AMERICA
National Labor Relations Board

FORM NLRB-707N2 (RC, RM, RD CASES) (4-84)

OFFICIAL SECRET BALLOT

For certain employees of

Do you wish to be represented for purposes of collective bargaining by -

MARK AN "X" IN THE SQUARE OF YOUR CHOICE

YES	NO
☐	☐

DO NOT SIGN THIS BALLOT. Fold and drop in ballot box.
If you spoil this ballot return it to the Board Agent for a new one.

3a

FORM NLRB-4278
(10-84)

[redacted]-RD

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD

[redacted]

TYPE OF ELECTION
(CHECK ONE)

- ☐ CONSENT
- ☐ STIPULATED
- ☐ RD DIRECTED
- ☐ BOARD DIRECTED

(ALSO CHECK BOX BELOW WHEN APPROPRIATE)

- ☐ 8(b)(7)

CASE

CERTIFICATION OF REPRESENTATIVE

An election has been conducted under the Board's Rules and Regulations. The Tally of Ballots shows that a collective-bargaining representative has been selected. No timely objections have been filed.

As authorized by the National Labor Relations Board,

It is certified that a majority of the valid ballots have been cast for

and that it is the exclusive collective-bargaining representative of the employees in the following appropriate unit.

UNIT:

Signed at
On the day of 19

Regional Director, Region
National Labor Relations Board

5a

6a

PATRICK J. LEAHY
Vermont

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY
Washington, D.C. 20510

August 19, 1982

Mr. Karl H. Asbeck
P.O. Box 207
East Barre, VT 05649

Dear Mr. Asbeck:

Thank you for letting me know you oppose the use of union dues to support political candidates and causes.

You may be interested to know that current law supports your views that union dues should not be used to make contributions to political candidates. Furthermore, unions do not have the authority to use an employee's dues to support political causes he or she opposes, over the employee's objection. The Supreme Court has ruled that the unions must set up internal procedures so that those employees who object to having their dues used for political purposes may obtain a proportional refund.

Of course, if any amendments do come up in the Senate, I will consider each on its own merits and keep your views in mind.

Again, thank you for contacting me. I hope you will keep in touch on matters of concern to you.

Sincerely,

/s/ PATRICK J. LEAHY
PATRICK J. LEAHY
United States Senator

PJL/hsh

JOHN H. CHAFEE
Rhode Island

UNITED STATES SENATE

September 14, 1982

Mr. George Dansereau
132 Putnam Avenue
Johnston, Rhode Island 02919

Dear Mr. Dansereau:

Thank you for writing to express your support for legislation to amend the Federal Election Campaign Act to prohibit the use of union dues for political purposes.

I believe that present federal labor laws—which are based on open elections and majority rule and which expressly prohibit excessive union dues—adequately protect employees from the misuse of their dues or fees. Thus, I oppose the proposed alterations to the Federal Election Campaign Act.

Thank you again for taking the time to write.

Sincerely,

/s/ JOHN H. CHAFEE
JOHN H. CHAFEE
United States Senator

JHC/des

CHRISTOPHER J. DODD
Connecticut

UNITED STATES SENATE
Washington, D.C. 20510

June 1, 1984

Mr. Paul R. Bourdeau
19 Valley View Drive, RR 1
New Milford, Connecticut 06776

Dear Mr. Bourdeau:

Thank you for contacting me regarding your support for the Helms Amendment to H.R. 5164.

On May 22, 1984, the Senate voted to table this amendment by a vote of 65-32. I opposed the amendment for two reasons. First, in a decision issued on April 25, 1984, the Supreme Court upheld the rights of union members who dissent from their union's political activities by holding that such dissenters are entitled to an *advance* reduction of that portion of their dues used for purposes other than collective bargaining. Thus, the major intent of the amendment has already been accomplished. Secondly, the amendment would prohibit political activities only by certain labor unions and not at all by corporations, which in my view would undo the balance between business and labor intended under the Federal Election Campaign Act.

While we disagree on this particular issue, I hope you will continue to advise me on other issues of concern, and will not hesitate to let me know if I may be of any assistance.

Again, my thanks for sharing your views on this matter.

Sincerely,

/s/ CHRISTOPHER J. DODD
CHRISTOPHER J. DODD
United States Senator

CJD/pag

MARK O. HATFIELD

UNITED STATES SENATE
Washington, D.C. 20510

July 3, 1986

Mr. and Mrs. M.J. Olsen
1650 China Gulch Road
Jacksonville, Oregon 97530

Dear Mr. and Mrs. Olsen:

Thank you for your recent correspondence.

The allegation that current federal election law permits unions to use compulsory union dues for political purposes has been the source of great objections to the Federal Election Campaign Act. I examined this issue carefully in preparation for debate on legislation reauthorizing the F.E.C.A. I had hoped that time would be given in the 98th Congress for the Senate Rules Committee, on which I serve, to hold hearings on this matter in order to obtain a better understanding of all the problems involved. But advocates of Senator Helms' "union dues" legislation, S. 1881, insisted upon its consideration on the Senate floor without prior hearings.

It is clear to me that the issue of "right to work" legislation and union political activity should be separated. I would not support a bill if its intent was simply to neutralize unions. Unions have as much right as any other group to speak out on issues and to promote their point of view.

At issue was the use of compulsory dues to do so. My study of the issue led me to conclude that this does not take place. The Federal Election Campaign Act specifically prohibits labor organizations from using union dues for political activity. They are required to set up separate political action committees (PACs) funded through a separate and

voluntary dues structure. However, labor organizations, professional associations, corporations and groups representing particular interests *can* use general funds to communicate, educate and activate members or shareholders.

Information and education of membership is a primary responsibility of unions and other associations and, should they cease that effort, they would not survive. Of course, there will be members who disagree with the decision made by the majority. The courts have interpreted federal law as requiring unions to offer a rebate to agency shop members who disagree with the political views expressed in the unions' educational materials. A disgruntled member may dissent, apply for, and receive, a rebate equal to the percentage of dues used for political education. Generally, this is accomplished by a letter to the union leadership. Therefore, the concerns being expressed over the political use of compulsory union dues have been addressed by current law.

I remain hopeful that committee hearings will be held on this issue, if it remains a concern during the 99th Congress, before legislation comes to the full Senate for consideration.

Thank you for taking the time to contact me.

Kind regards.

Sincerely,

/s/ MARK O. HATFIELD
MARK O. HATFIELD
United States Senator

MOH/snw
14177-14182

MARK O. HATFIELD

UNITED STATES SENATE
Washington, D.C. 20510

July 23, 1987

Mr. Luis Brillas
17800 N.E. Chehalem Drive
Newberg, Oregon 97132

Dear Mr. Brillas:

The Public Service Research Council recently sent me your petition opposing S. 2, the Campaign Finance Reform Bill, and the use of compulsory union dues for political purposes. I appreciate this opportunity to share with you my views on these two topics.

After three days of hearings on S. 2, legislation to make changes in federal election campaign law, both Democrats and Republicans on the Senate Rules Committee felt that changes were needed in the bill. However, as I had suspected, there was no agreement on the nature that those changes should take. Republicans proposed a substitute amendment which reduced maximum PAC contributions and increased maximum individual contributions, both, to $2500 per election per candidate; established disincentives to negative independent expenditures that require costly responses by candidates; and increased limits on the contributions that political parties can make to candidates. The substitute eliminated the public financing provision.

This substitute was defeated on a party-line vote on April 29. The Committee then passed the Democrat substitute to S. 2 and reported the measure to the Senate. I voted against the Democratic substitute, not for partisan reasons, but because the bill fails to reduce the current PAC contribution limits, and included tax-supported financing of Senate elections. The Federal Election Commission estimated that public financing will cost the U.S. Treasury

approximately $87 million in the 1988 election cycle. Adding House elections to the program would cost a total of approximately $350 million.

The hearings on S. 2 did not demonstrate to my satisfaction that the current system of campaign financing distorts our political system in a manner worthy of the kind of public expenditures proposed in the bill. Prior to 1971 corporations, labor unions and other associations contributed to candidates in a manner that posed the threat of undue influence over candidates. The present system of funneling all contributions through political action committees set up by these organizations, limiting their contributions, and requiring disclosure of them, was enacted at the urging of groups such as Common Cause to eliminate this influence.

The new contribution rules have worked well, particularly in making clearly available to the public the source of all funds collected by a candidate. But the reforms of 1971 did not slow the ballooning of total campaign costs which have made it necessary for candidates to raise increasingly large amounts of funds for campaigning. Providing public funds does nothing to reduce the upward pressure on these costs—it only provides tax dollars to meet the need.

The biggest expense of modern campaigns is media advertising and political consultant costs (polling). The Republican substitute included a provision for lowest cost media time to be provided to candidates as part of broadcasters' public service responsibilities. It also contained disincentives for the expenditure of large amounts of personal funds by wealthy candidates.

S. 2 is now being debated on the Senate floor where many of the amendments proposed in Committee are being proposed. I will give each my careful attention and keep in mind the many comments I have received about our federal election process.

The allegation that current federal election law permits unions to use compulsory dues for political purposes has been the source of great objections to the Federal Election Campaign Act. Legislation to prohibit current practices, S. 615, has been introduced by Senator Helms. I have examined this issue carefully as a result of the concern it has generated.

It is clear to me that the issues of "right to work" legislation and union political activity should be separated. I would not support legislation if its intent was simply to neutralize unions. Unions have as much right as any other group to speak out on issues and to promote their point of view.

At issue is the use of compulsory dues to do so. My study of the issue leads me to conclude that this does not take place. The Federal Election Campaign Act specifically prohibits labor organizations from using union dues for political activity. They are required to set up separate political action committees (PACs) funded through a separate—and voluntary—dues structure. However, labor organizations, professional associations, corporations and groups representing particular interests *can* use general funds to communicate, educate and activate members or shareholders.

Information and education of membership is a primary responsibility of unions and other associations and, should they cease that effort, they would not survive. Of course, there will be members who disagree with decisions made by the majority. The courts have interpreted federal law as requiring unions to offer a rebate to agency shop members who protest political education activities of the union. While candidate donations are made through the PAC, education, as mentioned above, can be funded through union dues. It is to this expenditure that a disgruntled member may dissent, apply for, and receive, a rebate equal to the

percentage of dues used for political education. Generally, this is accomplished by a letter to the union leadership.

For these reasons, I do not support S. 615.

Thank you again for writing. I appreciate your taking the time to share your views with me.

Kind regards.

Sincerely,

/s/ MARK O. HATFIELD
MARK O. HATFIELD
United States Senator

MOH/trp

ROBIN TALLON
6th District, South Carolina
CONGRESS OF THE UNITED STATES
HOUSE OF REPRESENTATIVES
Washington, DC 20515

October 7, 1985

Mr. Jack E. Buttram
38 Valerie Drive
Greenville, SC 29615

Dear Mr. Buttram:

Thank you for your recent letter regarding the use of compulsory union dues for political purposes.

You and many others throughout South Carolina have been erroneously informed that I oppose right-to-work legislation. A great deal of misinformation has been disseminated regarding my position on this matter. I would like to make clear that there have been no votes on any amendment offered by Congressman Cobey, or anyone else, requiring that the Federal Elections Commission (FEC) implement the Supreme Court decision in *Ellis v. Brotherhood of Railroad and Airline Clerks.*

A certain amount of background information is necessary to fully understand this issue. Workers who are not union members receive the same benefits from collective bargaining agreements as their coworkers who are union members. In certain instances, these non-union members are required to pay fees in lieu of dues.

According to the federal elections law, corporations and unions are permitted to organize political action committees and may distribute a newsletter to its employees or membership only which advocates one candidate or position over another. Unions and corporations may not make contributions to candidates or political parties and may not

make any independent expenditures on behalf of any particular party or candidate except to inform exclusively its own employees or membership.

Because political advocacy is not directly related to collective bargaining, the Supreme Court ruled that non-union members who paid fees in lieu of dues are entitled to a partial refund if some of those funds were used for advocacy. It is the legal responsibility of the unions to comply with this Supreme Court ruling.

During consideration of the Treasury, Postal and General Government Appropriations bill a Point of Order was sustained against an amendment requiring the Federal Elections Commission to enforce the Supreme Court's decision. It is a violation of the Rules of the House of Representatives to include such an amendment in an appropriations bill. These matters can only be considered in an authorization bill.

My vote on a procedural motion to allow the House of Representatives to later vote on final passage of the bill is being misrepresented to you as a vote on the actual amendment requiring FEC enforcement of the *Ellis* decision. Let me stress that a vote on the amendment itself never took place.

I have always been a strong supporter of right-to-work legislation. It has long been my position that it is up to the individual states to guarantee workers' freedom whether to join a union, and Congress should not take any action to curtail that freedom. The Supreme Court has further protected these rights.

I am confident that after examining my voting record and understanding the true course of events regarding this matter you will realize that I support each worker's right to work and to be free from subsidizing political activities against his will.

I greatly appreciate your sharing your concerns with me on this matter. If I can be of any assistance to you in the future, please do not hesitate to call on me.

Sincerely,

/s/ ROBIN TALLON
ROBIN TALLON
Member of Congress

RT:md

NANCY L. JOHNSON
6th District, Connecticut

CONGRESS OF THE UNITED STATES
HOUSE OF REPRESENTATIVES
Washington, D.C. 20515

October 8, 1985

Bente Pedersen
Stage Coach Road
Durham, CT 06422

Dear Friend:

Thank you very much for your letter concerning a recent procedural vote regarding amendments to the Treasury, Postal Service and General Government Appropriations bill. After debate was completed on this measure, a routine motion to "rise" was offered and I, along with a majority of my colleagues, voted "yes" in order to bring the measure to a vote in the full House of Representatives. The effect of the vote was to prevent consideration of non-germane amendments on an appropriations bill.

Without delving into too much parliamentary detail, I cast my vote as I did in order to end debate on an important appropriations bill that had been thoroughly considered and was not, in my view, an appropriate vehicle for the consideration of the Federal Election Commission matter that you outlined. Furthermore, in light of the Supreme Court's clear decision in *Ellis et al.* vs. *Brotherhood of Railroad and Airline Clerks,* I believe it highly unlikely that the FEC will issue regulations in direct contravention of the high court's ruling. As you well know, unless Congress enacts a law that overturns or modifies a Supreme Court decision, that decision becomes the law of the land and must be followed by citizen and government agency alike.

I agree with the *Ellis* decision because I believe compulsory union dues may be used for political purposes only with permission from the union member paying those dues. Since the Supreme Court has ruled on this issue, I see no need to add another layer of federal legislation onto the Federal Election Commission.

I appreciate your taking the time to write on this issue and look forward to hearing from you again, as your thoughts and observations help guide my work in Congress.

Very truly yours,

/s/ NANCY L. JOHNSON
NANCY L. JOHNSON
Member of Congress

NLJ:srl

BOB KASTENMEIER
2d District, Wisconsin

CONGRESS OF THE UNITED STATES
HOUSE OF REPRESENTATIVES
Washington, DC 20515

September 9, 1986

Mr. E. W. Fobes
4349 Highway AB
Madison, Wisconsin 53704

Dear Mr. Fobes:

I have received your postal card regarding the Federal Elections Commission and an amendment offered by Congressman Cobey which would instruct the FEC to uphold certain Supreme Court rulings.

The amendment was not needed because we do not need legislation to prohibit unconstitutional actions. Such actions are already prohibited. Secondly, the adoption of the Cobey amendment would incorrectly imply that the FEC is operating in a manner which violates the Supreme Court decisions in certain cases. That is simply not the case.

Supporters of the Cobey amendment state that the U.S. Supreme Court, in certain cases, has declared the use of compulsory union dues for political purposes to be unconstitutional. They go on to say that, since the FEC allows compulsory union dues to be used for certain political purposes, the FEC is not complying with those decisions.

This is an inaccurate characterization of the Supreme Court's rulings. What the Court has consistently held is that a union may not use compulsory union dues for political purposes or other purposes unrelated to its collective bargaining duties against the objections of dissenting employees. Moreover, the Court has held that this dissent is not to be presumed but must be made known to the union by the dissenting employees.

Supporters of the Cobey amendment actually intend to go much further than the Supreme Court by preventing the political use of any compulsory dues, even if the union membership unanimously wants them to be used for political purposes.

The Supreme Court has been very stringent in this area. Once an employee has raised objections, the union must have adequate procedures to ensure that the employee's dues are reduced by the amount attributable to noncollective bargaining activities. The union cannot even collect the money in advance and then provide a rebate.

A large majority of the House disagreed with the Cobey amendment and voted to bring the debate to a close. There was no vote on the Cobey amendment.

Sincerely,

/s/ Bob Kastenmeier
Robert W. Kastenmeier
Member of Congress

RWK:s

W. G. (Bill) Hefner
8th District, North Carolina
CONGRESS OF THE UNITED STATES
HOUSE OF REPRESENTATIVES
Washington, DC 20515

September 16, 1986

Mr. Howard H. Strickland
Route 2, Box 535
Rockwell, NC 28138

Dear Mr. Strickland:

Thank you for your response to my newsletter and your comments on a labor vote in the House which occurred on August 6. I wanted to take this opportunity to communicate with you on what took place.

The vote was on a procedural question to rise from the Committee of the Whole to report the Treasury-Postal Service Appropriations bill to the full House. Mr. Cobey had wanted to offer a legislative amendment to that bill to instruct the FEC to comply with recent Supreme Court rulings on the use of compulsory union dues for political purposes. The motion to rise was adopted and he was not able to offer his amendment under rules of the House.

I voted for the motion to rise for several reasons. First, I oppose the practice of proposing legislative language to appropriations bill and vote for such amendments only when it is absolutely necessary.

Second, I felt the amendment was unnecessary since we already have laws to prohibit unconstitutional actions. Third, the amendment would imply that the FEC is currently operating illegally, and this is not the case.

The Court held that compulsory union dues may not be used for political purposes against the objection of dissenting employees. The Court further held that this dissent

is not to be presumed but must be made known to the union by the dissenting employees.

The Cobey amendment would go much further than that and would, in effect, prevent political use of these dues even if the union membership unanimously supported that use for political purposes.

I believe this was an attempt to grab headlines and was billed as being a "key vote" in order to give certain groups an opportunity to solicit contributions for their coffers. I have always supported and will continue to support the right-to-work laws of our State, and I resent this attempt to mislead my constituents in this manner.

I thought you would be interested in seeing a copy of my response to the National Right to Work Committee's 1986 questionnaire.

With kindest regards, I am

Sincerely,

/s/ BILL
BILL HEFNER
Member of Congress

BH/ids
Enclosure

BILL RICHARDSON
3rd District, New Mexico

CONGRESS OF THE UNITED STATES
HOUSE OF REPRESENTATIVES
Washington, DC 20515

October 3, 1986

Mrs. Margaret Hardy
P.O. Box 231
Edgewood, NM 87015

Dear Mrs. Hardy:

Thank you for your recent letter expressing your views on H.R. 2534—the Compulsory Campaign Contribution Act. I always appreciate hearing the views of the people I represent in Congress.

I sympathize with your concerns on this issue. As you may know, no union, including the NEA, can make campaign contributions to federal candidates. It is against the law. However, under current law, unions are permitted—as are corporations—to use some of their money for certain political activities that don't involve direct contributions, such as nonpartisan voter registration drives.

While I am aware there are those who are displeased with political activities by the NEA, I'm sure your aware that union members who object to having a portion of their dues money used for political purposes of any kind are entitled to a rebate of that portion of their dues. Therefore, the only union money being spent for political activities is money paid willingly for that purpose.

I have some concerns about participation in the political process, but it troubles me that the bill, H.R. 2534, would prohibit nearly all political activities of unions while allowing those of corporations and trade associations to continue. Consequently, the bill would treat labor unions dif-

ferently from corporations and trade associations, even though they all are engaging in the same kinds of political activities. Personally, I am inclined to think that an even-handed policy is better. I contacted Congressman Dickenson, who sponsored H.R. 2534, to express my interest in this legislation. H.R. 2534 is currently in the Subcommittee on Elections with no action pending. Should this bill be considered by the full House, I will keep your views uppermost in my mind.

Again, thank you for sharing your views with me. If you have any other concerns, feel free to write me at any time.

With warm regards,

/s/ BILL
BILL RICHARDSON
Member of Congress

GERALD D. KLECZKA
4th District, Wisconsin
CONGRESS OF THE UNITED STATES
HOUSE OF REPRESENTATIVES
Washington, D.C. 20515

December 9, 1986

Mr. Irwin J. Kessler
112 Fairview Ave.
Waukesha, Wisconsin 53186

Dear Mr. Kessler:

Thank you for contacting me concerning the use of union dues for political purposes. I am afraid that a lot of incorrect information has been circulating on this issue. Please excuse the long delay in responding to your letter.

I share your desire that compulsory union dues not be used for political purposes. In fact, the Supreme Court has ruled that such practices are illegal, and this ruling is enforced by the Federal Election Commission (F.E.C).

Of course, union members may voluntarily contribute to unions' political action committees. Likewise, union dues may be spent to educate union members. But no union member is required to pay any dues that are used for other than collective bargaining purposes.

On August 6, 1986, I voted along with a majority of my colleagues against an amendment offered by Congressman Bill Cobey to the FEC Reauthorization Act which would have prevented the political use of union dues even if the union membership unanimously wanted them to be used for political purposes. I believe that union members, like any other Americans, should be free to make political contributions.

Thanks for writing.

Sincerely,

/s/ JERRY
GERALD D. KLECZKA
Member of Congress

GDK/wb

RICHARD H. LEHMAN
18th District California

CONGRESS OF THE UNITED STATES
HOUSE OF REPRESENTATIVES
Washington, D.C. 20515

December 22, 1986

Mr. Raymond C. Leite
21686 De Los Portale
Sonora, California 95370

Dear Mr. Leite:

Thank you for your letter concerning the Federal Election Commission (FEC) and the expenditure of union dues. You may be interested in knowing that as a matter of law unions are already prohibited from using mandatory dues for political purposes. Under our labor laws, mandatory dues may only be used for purposes of representing workers in collective bargaining. To ensure workers are protected, workers have a legal right to know up front exactly how the dues payments are to be used; they are entitled to deduct any share of the dues payment that is used for purposes other than collective bargaining; and they are entitled to a refund with interest of any share of a required dues payment that was used without the worker's knowledge for purposes other than covering the costs associated with collective bargaining representation along with an equivalent reduction of all future dues.

Since the law both prohibits the use of mandatory dues for political purposes and provides remedies where such violations occur, it makes no sense to amend the Federal Election Campaign Act to require the FEC to do what is already being done. The FEC is among the smallest agencies in the government with an annual budget of approximately $122 million. Its responsibilities are limited to regulating the manner in which labor unions, businesses, and others spend money for political purposes. To require

the FEC to also regulate how those funds are collected, as has been proposd by the National Right to Work Committee, would not only require the FEC to duplicate what is already being done by the Department of Labor, the Internal Revenue Service, the Federal Trade Commission, the Securities Exchange Commission, and a host of other federal agencies, but would add millions and maybe billions of dollars to the cost of operating the FEC.

Finally, the amendment proposed by the Right to Work Committee to the Federal Election Campaign Act was significantly flawed in two other repects. First, the amendment sought to amend that law as it relates to political contributions from one segment of society while making no corresponding amendments to the law as it affects political contributions from other segments of society. For example, this amendment seeks among other things to preclude unions from using dues to administer political action committees. Yet, everytime you buy a product, the company producing and/or selling that product is free to use the profits thereby derived in exactly the same manner.

In other words, whether you like it or not, every time you buy something you may be contributing to the expression of political views that you neither share nor support; yet there was nothing in the amendment to deal with such alleged abridgements of constitutional rights. While I am not advocating such an amendment to the Federal Election Campaign Act, I do feel strongly that we must ensure that law applies equally to all aspects of our society and does not act to discourage the fair and proper participation of anyone in the political process. I do not feel that the amendment that has been proposed by the Right to Work Committee meets this test.

Secondly, to the extent that the amendment sought to restrict the ability of unions to communicate freely with their members, the amendment, itself, represented an abridgement of rights guaranteed by the First Amendment.

Again, thank you for sharing with me your views on this subject.

Sincerely,

/s/ RICHARD LEHMAN
RICHARD H. LEHMAN
Member of Congress

RHL/cf